

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**CITY OF WAUKESHA,
Plaintiff,**

v.

Case No. 04-C-0487

**PDQ FOOD STORES, INC.,
Defendant.**

ORDER FOLLOWING SCHEDULING CONFERENCE

On September 8, 2004, the court held a scheduling conference in accordance with Fed. R. Civ. P. 16 and Civil L.R. 16.1 (E.D. Wis.). Attorney Pamela Schaefer appeared on behalf of the plaintiff and Attorney Richard Bolton appeared on behalf of the defendant.

IT IS ORDERED that:

1. If the parties have not already done so, they shall comply with Fed. R. Civ. P. 26(a)(1) concerning initial disclosures.
2. The deadline to amend pleadings will be October 15, 2004.
3. The plaintiff shall designate its experts with contemporaneous reports, pursuant to Civil L.R. 26.1, no later than April 30, 2005.
4. The defendant shall depose the plaintiff's experts and shall designate its experts with contemporaneous reports, pursuant to Civil L.R. 26.1, no later than June 15, 2005.

5. a. All requests for discovery shall be served by a date sufficiently early so that all discovery in this case can be completed no later than April 30, 2005.

b. Any discovery motions brought pursuant to Rules 26 through 37 of the Federal Rules of Civil Procedure must comply with Civil L.R. 37.1, by including

a written statement by the movant that, after personal consultation with the party adverse to the motion and after sincere attempts to resolve their differences, the parties are unable to reach an accord. The statement must also recite the date and time of such conference and the names of all parties participating in it.

c. All discovery motions and non-dispositive pretrial motions **must** be filed pursuant to Civil L.R. 7.4, unless the court otherwise permits. The motion **must not exceed three pages in length**. **No separate memorandum** may be filed with the motion, and any supporting affidavit allowed by Civil L.R. 7.4 **must not exceed two pages**. An opposing memorandum, which **must not exceed three pages in length**, may be filed within five days of service of the motion. The court will notify the parties of the date and time for a hearing on the motion, if the court deems it necessary. This paragraph does not apply to pro se or prisoner cases.

6. a. On or before July 1, 2005, all dispositive motions shall be served and filed.

b. All summary judgment motions and briefing thereon must comply with Civil L.R. 7.1 and 56.2. Any summary judgment motion filed against a pro se litigant must comply with Civil L.R. 56.1. Civil L.R. 56.2 will not apply to cases in which a party appears pro se.

7. a. On September 29, 2005 1:30 pm, a final pretrial and settlement conference will be held in Room 364 of the United States Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin, pursuant to Civil L.R. 16.2.

b. All parties shall prepare and file pretrial reports in the form set forth in Civil L.R. 16.3. The parties shall serve and file their pretrial reports three **business** days before the pretrial conference. The attorney who will try the case (or a party personally, if not represented by counsel) must sign the report. Sanctions, which may include the dismissal of claims and defenses, may be imposed if a pretrial report is not filed.

Each proposed instruction on the substantive issues shall be submitted on a separate page, with its source clearly noted at the bottom. The court has its own standard instructions on general law, copies of which will be distributed to the parties just prior to trial, or earlier upon request.

8. Counsel are expected to arrive at stipulations that will save time during the trial. Such stipulations must include stipulated admissibility of all exhibits upon which agreement is possible.

9. The court expects counsel to confer and make a good faith effort to settle the case.

10. This case will be called for trial on October 11, 2005 10:00 am

11. The parties shall comply with General L.R. 5.1 and 5.2, which provide that all legal papers (including letters) **shall be filed in the office of the clerk of court**

rather than in chambers. In regard to filings made less than 48 hours before a related court hearing, in addition to the documents filed with the clerk of court, the parties shall deliver an extra courtesy copy directly to chambers.

The foregoing schedule shall not be modified except upon a showing of good cause and by leave of the court. The pendency of motions or settlement discussions shall not justify modification of the schedule, nor delay the taking of discovery.

SO ORDERED at Milwaukee, Wisconsin, this 9 day of September.

/s _____
LYNN ADELMAN
District Judge